

JUSTICE

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$77,443,400	\$74,514,800	\$75,632,200	\$75,741,400	\$75,741,400	- \$1,702,000	- 2.2%
FED	12,339,600	13,508,700	14,956,400	14,956,400	14,956,400	2,616,800	21.2
PR	53,855,000	60,520,000	62,283,000	62,273,800	62,054,800	8,199,800	15.2
SEG	470,400	574,400	574,400	574,400	574,400	104,000	22.1
TOTAL	\$144,108,400	\$149,117,900	\$153,446,000	\$153,546,000	\$153,327,000	\$9,218,600	6.4%

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
GPR	412.65	399.85	409.15	409.15	409.15	- 3.50
FED	24.25	24.25	24.25	24.25	24.25	0.00
PR	143.75	137.25	138.25	138.25	138.25	- 5.50
SEG	2.75	2.75	2.75	2.75	2.75	0.00
TOTAL	583.40	564.10	574.40	574.40	574.40	- 9.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor/Legislature: Provide \$1,108,300 GPR, \$582,800 FED, \$23,900 PR and \$50,100 SEG in 2001-02, \$1,513,500 GPR, \$586,300 FED, \$72,300 PR and \$53,900 SEG in 2002-03, and -1.5 GPR and -8.5 PR positions annually for the following: (a)

turnover reduction (-\$578,400 GPR annually); (b) removal of noncontinuing elements from the base (-\$800 GPR and -1.5 GPR positions annually, and -\$557,600 PR in 2001-02, -\$563,000 PR in 2002-03 and -8.5 PR positions annually); (c) full funding of continuing salaries and fringe benefits (\$923,500 GPR, \$564,400 FED and \$108,600 PR annually); (d) funding of 2000-01 s. 13.10 ongoing increases (\$30,400 SEG annually); (e) reclassifications (\$3,600 GPR, \$9,900 FED, \$94,100 PR and \$8,200 SEG in 2001-02 and \$6,200 GPR, \$13,400 FED, \$147,700 PR and \$12,000 SEG in

Funding Positions		
GPR	\$2,621,800	- 1.50
FED	1,169,100	0.00
PR	96,200	- 8.50
SEG	104,000	0.00
Total	\$3,991,100	- 10.00

2002-03); (f) BadgerNet increases (\$82,600 GPR and \$34,300 PR annually); (g) overtime (\$599,000 GPR, \$8,500 FED, \$327,800 PR and \$11,500 SEG in 2001-02 and \$986,200 GPR, \$8,500 FED, \$327,800 PR and \$11,500 SEG in 2002-03); (h) night and weekend differential (\$10,200 GPR and \$2,200 PR annually); (i) fifth week of vacation as cash (\$64,900 GPR and \$11,800 PR in 2001-02 and \$80,300 GPR and \$12,000 PR in 2002-03); and (j) full funding of lease costs and directed moves (\$3,700 GPR and \$2,700 PR annually). The 10.0 positions removed as non-continuing elements include: (a) 6.0 PR project financial specialist positions relating to caregiver record checks that expired July 1, 2000; (b) 1.5 PR project positions relating to delinquent obligation collections that expired January 4, 1998; (c) 1.0 PR project justice program chief position relating to upgrading electronic criminal history systems that will expire on July 20, 2002; and (d) 1.5 GPR project positions relating to mental health commitment standards that expired June 30, 1999.

2. BASE BUDGET REDUCTIONS [LFB Paper 245]

GPR	- \$3,540,000
-----	---------------

Governor: Reduce the Department of Justice's (DOJ's) largest GPR state operations appropriation by \$1,770,000 annually. [The bill actually reduces DOJ's second largest GPR state operations appropriation, the legal services' general program operations appropriation. DOJ's largest GPR state operations appropriation is the law enforcement services' general program operations appropriation.] This amount represents 5% of the agency's total GPR adjusted base for state operations. No later than 90 days after the effective date of the bill, permit DOJ to submit an alternative plan to the Secretary of Administration for allocating the required reduction among its sum certain GPR state operations appropriations. Provide that if the DOA Secretary approves the alternative reduction plan, the plan must be submitted to the Joint Committee on Finance for its approval under a 14-day passive review procedure. Specify that if the Secretary of Administration does not approve the agency's alternative reduction plan, the agency must make the reduction to the appropriation as originally indicated.

Joint Finance/Legislature: Provide that DOJ may submit a request to the Joint Committee on Finance under s. 13.10 to reallocate the reduction to other DOJ sum certain GPR appropriations for state operations.

[Act 16 Section: 9159(1)]

3. TRANSFER OF CONSUMER PROTECTION LEGAL FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION [LFB Paper 215]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	-\$1,617,400	- 9.30	\$1,617,400	9.30	\$0	0.00

Governor: Delete \$808,700 and 9.3 consumer protection positions annually (4.8 attorneys, 2.0 consumer protection investigators, 1.0 legal secretary, 1.0 paralegal and 0.5 legal assistant) from DOJ's Division of Legal Services and transfer the funding and positions to the Department of Agriculture, Trade and Consumer Protection (DATCP).

Make the following statutory changes concerning consumer protection legal services: (a) eliminate DOJ's concurrent authority to determine violations, initiate prosecutorial proceedings and accept, in lieu of prosecuting, written assurance of discontinuance of alleged violations concerning cases relating to fraudulent representations; (b) eliminate DOJ's concurrent authority to determine violations, initiate prosecutorial proceedings and enforce forfeitures concerning cases relating to telecommunications trade practices; (c) delete the requirement that a DOJ representative be a member of the advisory group that DATCP must form before preparing any proposed rule on telecommunication services; (d) authorize a district attorney instead of DOJ to file complaints and prosecute actions before DATCP concerning unfair methods of competition in business or unfair trade practices or both; (e) provide that DATCP would replace DOJ as the state agency that would bring an action in the name of the state to enjoin any corporation, or limited liability company from doing business in this state and canceling or revoking its certificate of authority, incorporation, or organization for violating any unfair trade practices order; (f) eliminate DOJ's concurrent authority to commence actions to recover civil forfeitures on behalf of the state for violations of injunctions involving fraudulent representations, unfair trade practices and fraudulent drug advertising; (g) provide that DATCP would replace DOJ as the state agency, in addition to district attorneys, empowered to seek court-ordered forfeitures for violations of the self-service storage facilities laws; (h) remove DOJ as an agency to which a court could award reasonable and necessary expenses of prosecution, including attorney fees, under the Marketing; Trade Practices Chapter of the statutes (Chapter 100) and provide that 10% of money awarded under the Chapter for the costs of investigation and the expenses of prosecution, including attorney fees, would no longer be credited to DOJ's investigation and prosecution appropriation; and (i) no longer require DOJ to furnish all legal services required by DATCP relating to the enforcement of various consumer protection statutes; instead, authorize DOJ to furnish these legal services upon the request of DATCP.

On the effective date of the bill, DOJ's assets and liabilities primarily related to the provision of consumer protection legal services, as determined by the DOA Secretary, would become assets and liabilities of DATCP. The bill provides that the incumbent employees holding the transferred positions would be transferred to DATCP and would maintain their employment rights and status. Tangible personal property, pending matters, contracts and contract responsibilities relating to the provision of consumer protection legal services would be transferred to DATCP. Rules and orders relating to the provision of consumer protection legal services under DOJ would remain in effect until their specified expiration date or until modified or rescinded by DATCP.

Prior to the 1995-97 biennial budget act, DATCP and DOJ were provided broad authority under state trade practice statutes to regulate and prosecute fraudulent advertising and representation and unfair trade practices. DATCP was also provided authority to regulate

product safety. Prior to 1996, the statutes authorized either or both of the Departments to enforce a variety of consumer protection laws. On July 1, 1996, most of the state's consumer protection authority was consolidated in DATCP. Under the transfer, DOJ retained 9.3 positions to perform state consumer protection legal services.

Under current law, DOJ retains much of its concurrent authority to determine violations of, and initiate prosecutorial proceedings on, cases relating to fraudulent representation, unfair trade practices and telecommunications trade practices. However, DOJ can only commence an action in circuit court after consulting with DATCP. DOJ can also represent the state in court on consumer protection cases referred for adjudication by DATCP or other state agencies. In addition, DOJ has certain federal authority to join the Federal Communications Commission and the Federal Trade Commission in bringing actions in federal court.

Joint Finance: Delete provision.

Senate: Transfer \$1,059,800 GPR and 15.5 GPR consumer protection positions annually from DATCP to DOJ (2.0 attorneys, 1.0 consumer complaint supervisor, 4.0 consumer protection investigators, 1.0 investigator supervisor, 5.5 consumer specialists and 2.0 program assistants). Provide DOJ \$221,200 GPR in 2001-02 and \$442,400 GPR in 2002-03 and 10.5 GPR consumer protection positions annually (8.5 consumer specialists and 2.0 paralegals).

Transfer Department of Health and Family Services' authority and related administrative rules for fitness center staff requirements under s. 100.178 and all of DATCP's authority and related administrative rules for the following statutory sections to DOJ:

100.15	Regulation of trading stamps
100.16	Selling with pretense of prize; in-pack chance promotion exception
100.17	Guessing contests
100.171	Prize notices
100.173	Ticket refunds
100.174	Mail-order sales regulated
100.175	Dating service contracts
100.177	Fitness center and weight reduction center contracts
100.18	Fraudulent representations
100.182	Fraudulent drug advertising
100.20	Methods of competition and trade practices
100.205	Motor vehicle rustproofing warranties
100.207	Telecommunications services
100.208	Unfair trade practices in telecommunications
100.209	Cable television subscriber rights
100.2095	Labeling of bedding
100.28	Sale of cleaning agents and water conditioners containing phosphorus
100.31	Unfair discrimination in drug pricing
100.37	Hazardous substances act

100.38	Antifreeze
100.41	Flammable fabrics
100.42	Product safety
100.43	Packaging standards; poison prevention
100.44	Identification and notice of replacement part manufacturer
100.46	Energy consuming products
100.50	Products containing or made with ozone-depleting substances
Chap 136	Future service plans
Chap 344	Vehicle financial responsibility
Chap 704	Landlord and tenant
Chap 707	Timeshares
Chap 779	Liens

In addition, transfer DATCP's current authority to file court actions in all other Chapter 100 (Marketing; Trade Practices) sections to DOJ. Further, require DOJ to represent DATCP in any court action relating to the enforcement of Chapter 100, and remove DATCP's authority to be represented by its attorneys or to appoint special counsel to prosecute or assist in the prosecution of all cases arising under Chapter 100 of the statutes, except for s. 100.206 (music royalty collections; fair practices), s. 100.21 (substantiation of energy savings or safety claims), s. 100.30 (unfair sales act) and s. 100.51 (motor fuel dealerships). Under the provision, DATCP would be allowed to continue to commence an action in court to recover allowed claims on behalf of vegetable producers.

Allow DOJ (rather than DATCP) to enjoin a violation of milk payment audit requirements upon DATCP request. Further, require the Department of Commerce to consult with DOJ (rather than DATCP) when establishing rules relating to quality standards for local energy resource systems. Require DATCP to consult with DOJ in developing license applications and other forms required for pawnbrokers, secondhand article dealers and secondhand jewelry dealers.

In addition, require that DOJ, instead of DATCP, be awarded consumer protection assessments on all fines and forfeitures for violations under Chapter 100 or corresponding rules or ordinances. Provide DOJ \$175,000 PR annually in a new, annual appropriation and require that any revenue received from these assessments that exceeds \$185,000 in any fiscal year be deposited to the state's general fund. In addition to other allowable penalties, allow the court to award the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation from any person who violates Chapter 100 provisions. Require that all of these monies that the court awards be deposited in the state's general fund, and require 10% of the money deposited in the general fund for the costs of investigation and the expenses of prosecution, including attorney fees, to be credited to a current DOJ investigation and prosecution appropriation.

Transfer the assets, liabilities and obligations primarily associated with the transferred consumer protection functions from DATCP to DOJ on the effective date of the bill. Provide that the incumbent DATCP employees who would be transferred to DOJ would maintain all their civil service and other employee rights held prior to transfer. Further, transfer all tangible personal property, records, pending matters, contracts and contract responsibilities relating to transferred consumer protection provisions and specify that all rules and orders relating to the transferred consumer protection provisions remain in effect until their specified expiration date or until modified or rescinded by DOJ. Provide that if the Departments were unable to agree on an equitable division or transfer of staff, the Secretary of Administration would settle the dispute. Further, provide that if either Department is dissatisfied with the Secretary's decision, the Department could bring the matter to the Joint Committee on Finance for affirmation or modification of the decision.

Under the provision, DOJ would have 35.3 positions related to consumer protection, as shown in the following table.

<u>Position Titles</u>	<u>Current DATCP</u>	<u>Eliminated DATCP</u>	<u>Transferred to DOJ</u>	<u>Current DOJ</u>	<u>New DOJ</u>	<u>Proposed DOJ</u>
Administrator	0.45	-0.45				
Attorney	2.00		2.00	4.80		6.80
Budget Policy Supervisor	0.30	-0.30				
Communications Specialist	0.50	-0.50				
Consumer Complaint Supervisor	1.00		1.00			1.00
Consumer Protection Bureau Director	0.75	-0.75				
Consumer Protection Investigator	13.65	-9.65	4.00	2.00		6.00
Consumer Protection Investigator Supervisor	4.00	-3.00	1.00			1.00
Consumer Specialist	11.15	-5.65	5.50		8.50	14.00
Legal Assistant				0.50		0.50
Legal Secretary	0.50	-0.50		1.00		1.00
Paralegal				1.00	2.00	3.00
Program & Planning Analyst	0.80	-0.80				
Program Assistant	<u>8.65</u>	<u>-6.65</u>	<u>2.00</u>	<u> </u>	<u> </u>	<u>2.00</u>
Total Consumer Protection Positions	43.75	-28.25	15.50	9.30	10.50	35.30

Assembly: Restore the Governor's provision.

Conference Committee/Legislature: Include the Joint Finance provision which maintains current law. (However, due to a drafting error, the act retains a provision requiring DOJ to furnish all legal services required by DATCP relating to the enforcement of the state hazardous substance act [s. 100.37] and product safety provisions under s. 100.42.)

[See "Agriculture, Trade and Consumer Protection -- Trade and Consumer Protection" for additional information.]

[Act 16 Section: 2855]

4. ATTORNEY GENERAL AUTHORITY IN CIVIL RIGHTS ACTIONS AND INQUESTS

Joint Finance: Provide that, if any person, whether or not acting under color of law, interferes with the exercise or enjoyment by any individual of a right secured by the Constitution or laws of the United States, or of a right secured by the Constitution or laws of Wisconsin, the Attorney General may bring an action for injunction or other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right secured.

Expand the notification requirement of coroners and medical examiners to report certain kinds of deaths to include not only district attorneys, but also the Attorney General. Grant the Attorney General the same authority that district attorneys have under current law to: (a) order autopsies; (b) request that a coroner or medical examiner conduct a preliminary examination; and (c) order and participate in inquests. Provide that if an inquest is conducted concerning the death of a person whose identity is unknown or whose body is unclaimed and the Attorney General ordered the inquest, the cost of the inquest (other than the compensation of the coroner and any deputy coroners) as well as the expenses of burial or cremation of the body, would be required to be audited and paid by DOJ. Under the provision, counties would continue to pay, as under current law, such costs for inquests ordered by the district attorney or circuit court. Under current law, district attorneys have authority to order and participate in inquests determining the cause of a person's death. If a district attorney refuses to order an inquest, a coroner or medical examiner may petition the circuit court to order an inquest. The circuit court may order an inquest under these circumstances if it finds that the district attorney has abused his or her discretion in not ordering an inquest. This provision would be expanded to provide that the circuit court would also be allowed to order an inquest if it finds that the Attorney General abused his or her discretion in not ordering an inquest.

Assembly: Delete the Joint Finance provision which provided that, if any person, whether or not acting under color of law, interferes with the exercise or enjoyment by any individual of a right secured by the Constitution or laws of the United States, or of a right secured by the Constitution or laws of Wisconsin, the Attorney General may bring an action for injunction or other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right secured.

Conference Committee/Legislature: Retain Joint Finance provision.

Veto by Governor [D-18]: Delete provision.

[Act 16 Vetoed Sections: 1996m, 2854m, 4033g thru 4033n and 4034b thru 4034y]

5. TRANSFER OF COUNTY-TRIBAL LAW ENFORCEMENT GRANT PROGRAM TO THE OFFICE OF JUSTICE ASSISTANCE [LFB Paper 169]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
PR	- \$1,544,000	- 1.00	\$1,544,000	1.00	\$0	0.00

Governor: Delete \$772,000 and 1.0 budget and policy analyst position annually and transfer the county-tribal law enforcement grant program from DOJ to the Office of Justice Assistance in DOA. Eliminate DOJ's county-tribal appropriations and the statutory authority for DOJ's administration of the program. Under current law, in order to receive grant funding, a county that has one or more federally-recognized Indian reservations within or partially within its boundaries must enter into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. The county and tribe must also develop and annually submit to DOJ a joint program plan and report on the performance of law enforcement activities on the reservation in the previous fiscal year. Tribal gaming receipts provide the program revenue for the county-tribal law enforcement grant program. [See "Administration -- Office of Justice Assistance" for program modifications.]

Joint Finance/Legislature: Delete provision. In addition, provide that the unencumbered balances in the county-tribal programs, local assistance and the county-tribal programs, state operations appropriations on June 30 of each year revert to the Indian gaming receipts appropriation in DOA.

[Act 16 Sections: 771m and 772m]

6. ELIMINATION OF THE RESEARCH AND INFORMATION SERVICES UNIT [LFB Paper 560]

	Funding Positions	
GPR	- \$393,000	- 2.00

Governor/Legislature: Delete \$196,500 and 2.0 positions annually to eliminate the research and information services unit. The bill would delete the unclassified position of director of research and information and a related program and planning analyst position. The bill would repeal statutory language providing that the Attorney General may appoint in the unclassified service a director of research and information services and is authorized to set this position's salary. The research and information services unit is responsible for: (a) developing large-scale policy initiatives; (b) researching and answering media, legislative and citizen inquiries about legal cases, opinions and investigations undertaken by DOJ; (c) preparing and editing news releases, articles, policy statements and position papers for DOJ; (d) writing and editing speeches and correspondence for the Attorney General and other DOJ executives; (e) developing department-wide reports, brochures and pamphlets; and (f) coordinating and editing the content of DOJ's website.

[Act 16 Sections: 993 and 2854]

7. LAW ENFORCEMENT TRAINING FUND AND ASSESSMENT [LFB Paper 191]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR-REV	- \$451,400	\$93,100	- \$358,300
PR	\$3,651,000	\$0	\$3,651,000

Governor: Provide \$1,809,000 in 2001-02 and \$1,842,000 in 2002-03 for expanded law enforcement training and increased reimbursements to law enforcement agencies. Delete the law enforcement training fund's receipt of penalty assessment revenues and instead create a new law enforcement training fund assessment, with revenues from the new assessment credited to the law enforcement training fund. These provisions are detailed as follows:

a. *Increased Law Enforcement Training Funding.* The additional funding would be provided to: (1) increase the reimbursement for annual recertification training of law enforcement officers from \$160 to \$220 per officer; (2) increase the reimbursement and expand the training for new law enforcement recruits from 400 hours to 520 hours per recruit; (3) recreate a statewide program for law enforcement management training; and (4) expand the specialized training for specialized law enforcement officers (such as investigators, tactical units and field training officers). The funding would be allocated as follows: (1) \$973,000 in 2001-02 and \$1,006,000 in 2002-03 for increased reimbursement for annual recertification training expenses; (2) \$336,000 annually for increasing the training hours for new law enforcement recruits; (3) \$350,000 annually for recreating a law enforcement management training program; and (4) \$150,000 annually for expanding the training for specialized law enforcement officers. The current statutory provisions requiring 400 hours of law enforcement recruit training and the reimbursement for annual recertification training of at least \$160 per officer would not change.

b. *Creation of a Law Enforcement Training Fund Assessment to Replace Penalty Assessment Funding.* Under current law, twenty-seven fifty-fifths of all penalty assessment surcharge revenues are deposited to DOJ for the law enforcement training fund and for crime laboratory equipment and supplies. Under current law, whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or violations of safety belt use), the court also imposes a penalty assessment of 23% of the total fine or forfeiture.

Under the bill, the penalty assessment surcharge would be reduced from 23% to 13% of the total fine or forfeiture imposed. The law enforcement training fund and crime laboratory equipment appropriations would no longer be recipients of penalty assessment surcharge revenues. Instead, all penalty assessment surcharge revenues would be deposited in DOA's Office of Justice Assistance penalty assessment surcharge receipts appropriation for distribution as provided in that appropriation. [See "Administration -- Office of Justice Assistance."]

The bill would create a new law enforcement training fund assessment, imposed whenever the penalty assessment surcharge is assessed, equal to 11% of the total fine or forfeiture. Under the bill, when payments of assessments are made a condition of probation by the court, payment would first be applied to payment of the penalty assessment until paid in full and then applied to the law enforcement training fund assessment until paid in full. The bill would also modify the drug abuse program improvement surcharge from 50% of the fine and penalty assessment, to 50% of the fine, penalty assessment and law enforcement training fund assessment.

All law enforcement training fund assessment revenues would be deposited to DOJ's penalty assessment surcharge receipts appropriation, which would be renamed the law enforcement training fund assessments, receipts appropriation. DOJ's current receipt of twenty-seven fifty-fifths of penalty assessment surcharge revenues represents approximately 11.29% of the total fine or forfeiture. Under the bill, the law enforcement training fund assessment would equal 11% of the total fine or forfeiture. The decrease in program revenue to DOJ as a result of this change is estimated under the bill to be \$225,700 annually. Under the bill, the law enforcement training fund and crime laboratory equipment appropriations would now receive PR funding from the new law enforcement training fund assessment.

c. *Effective Date.* The changes regarding the penalty assessment surcharge and the law enforcement training fund assessment would first take effect and apply to assessments imposed on the effective date of the bill.

Joint Finance/Legislature: Delete the Governor's provision to create a separate law enforcement training fund assessment. Instead, increase the penalty assessment surcharge from 23% to 24% of a total fine or forfeiture to first take effect and apply to assessments imposed for violations that occur on the effective date of the bill. Provide that the penalty assessment revenues be distributed with thirteen twenty-fourths of penalty assessment moneys deposited to OJA and eleven twenty-fourths deposited to DOJ's law enforcement training fund. Reestimate program revenues by \$32,500 in 2001-02 and \$60,600 in 2002-03.

[Act 16 Sections: 766 thru 768, 2014, 2858, 3445, 3774, 3777n, 4017 and 9359(4c)]

8. AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) REPLACEMENT

PR	\$3,140,200
----	-------------

Governor/Legislature: Provide \$940,100 in 2001-02 and \$2,200,100 in 2002-03 to upgrade DOJ's automated fingerprint identification system (AFIS) that was installed in 1993. Under current law, fingerprints, photos and demographic information for all persons arrested, taken into custody or sentenced to prison must be submitted to DOJ as the state repository for criminal history information. Funding would come from a variety of sources including: (a) \$940,100 annually from the criminal history improvement set-aside of the federal Byrne program and matching penalty assessment monies; (b) \$760,000 in 2002-03 from the National Criminal History Improvement Project; and (c) \$500,000 in proceeds in 2002-03 from the sale of

the old AFIS system. In addition, \$200,000 annually from DOJ's current PR base for AFIS maintenance that derives from criminal history search fees would be applied to the purchase. The executive budget book indicates that since the new system would be under warranty for one year, these maintenance funds could be used against the purchase price of the new system. Maintenance on the current AFIS system totals approximately \$400,000 annually.

9. TRANSFER OF TRAINING POSITIONS

Governor/Legislature: Transfer 5.0 PR positions that provide training for local law enforcement agencies from the transaction information for management and enforcement (TIME) system terminal charge appropriation to the law enforcement training fund, state operations appropriation. The TIME system appropriation is funded through user fees to law enforcement agencies. The law enforcement training fund is supported by penalty assessment revenues. The TIME system provides law enforcement agencies access to information regarding state and national wanted, missing, and unidentified persons; stolen motor vehicles; identifiable stolen property; driver and vehicle registration data; and state and national criminal history record information.

10. PROGRAM REVENUE FUNDING FOR CRIMINAL HISTORY SYSTEMS POSITIONS

Funding Positions		
PR	\$179,800	1.00

Governor/Legislature: Provide \$89,900 annually to convert 1.0 project justice program chief position to permanent. [Funding and position authority for the project position is deleted as a noncontinuing element under the standard budget adjustments.] In addition, transfer funding for the justice program chief position and five other permanent criminal history systems positions from the interagency and intra-agency assistance; investigations appropriation to the criminal history searches; fingerprint identification appropriation. These positions were previously funded with criminal history improvement program monies from DOA's Office of Justice Assistance, but under the bill would be funded with criminal history search fee revenues.

The six positions are responsible for upgrading the transaction information for management and enforcement (TIME) system, automated fingerprint identification system (AFIS), and other electronic criminal history systems. The TIME system gives law enforcement agencies access to information regarding: state and national wanted, missing, and unidentified persons; stolen motor vehicles; identifiable stolen property; driver and vehicle registration data; and state and national criminal history record information. The AFIS system is used to electronically store fingerprints that are required by law to be submitted to DOJ as the state repository for criminal history information.

11. HANDGUN PURCHASER RECORD CHECK FEE [LFB Paper 561]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR-REV	\$240,100	- \$240,100	\$0

Governor: Increase the handgun purchaser record check fee from \$8 to \$12. Under current law, when a firearms dealer sells a handgun, he or she may not transfer possession of that handgun until: (a) the gun purchaser has provided photographic identification to the firearms dealer and the dealer has inspected the identification; (b) the gun purchaser has completed the notification form that provides information on the purchaser's name, date of birth, gender, race and social security number to allow DOJ to perform an accurate record search; (c) the dealer has provided the information to DOJ and requested a firearms restrictions record search; and (d) 48 hours have lapsed, subject to an extension under certain circumstances, and DOJ has not notified the dealer that the transfer would be a violation of state law. The handgun purchaser record check fee is assessed on firearms dealers (who may pass the charge on to the purchaser) for each background check. The revenues from the fee are provided to DOJ for the cost of operating the record check program. In calendar year 2000, DOJ, with a staff of eight, processed 32,320 handgun purchaser record checks. The Governor estimates that the fee increase would generate an additional \$102,900 in 2001-02 and \$137,200 in 2002-03 in program revenue, which would cover operating costs of the handgun hotline in the second year of the biennium and offset a portion of the deficit in this program revenue appropriation. It is estimated that the appropriation will end 2000-01 with a deficit of \$529,100 and, with the proposed fee increase, would end the 2001-03 biennium with a deficit of \$509,600.

Joint Finance: Delete provision.

Senate: Increase the handgun purchaser record check fee from \$8 to \$17 in order to eliminate the deficit in the gun purchaser record checks program revenue appropriation. The fee increase is estimated to generate \$231,500 in 2001-02, and \$308,700 in 2002-03 of additional program revenue. With this increase, it is projected that the appropriation would have a positive balance by 2004-05.

Assembly: Reduce the lapse of penalty assessment funds to the general fund from the penalty assessment surcharge receipts appropriation in the Office of Justice Assistance (OJA) on July 1, 2001, from \$875,200 to \$136,400, and provide \$369,400 PR annually in penalty assessment funds to a newly-created firearms restrictions record searches appropriation to support DOJ activities regarding background checks for handgun purchases. Delete \$369,400 PR annually from the gun purchaser record checks appropriation and eliminate the \$8 fee charged for each firearms restrictions record search, resulting in an annual decrease in revenue from the fee of \$274,400. These changes would result in funding for DOJ's activities regarding background checks for handgun purchases being provided from penalty assessment revenues instead of the current handgun purchaser record check fee of \$8. Provide that any revenue that would be

deposited in the current handgun purchaser record check appropriation that receives the handgun purchaser record check fees under current law would lapse to the general fund.

Provide that upon review or appeal of a decision to deny an individual the right to purchase a handgun, if DOJ determines that the individual was incorrectly denied approval based on incorrect information in a criminal history record or incorrect information received in a firearms restrictions record search, DOJ must immediately do all of the following: (a) update any relevant DOJ records to reflect the correct information; (b) notify the agency that provided incorrect information to DOJ that the information provided was incorrect and request that the agency update its records to reflect the correct information; and (c) notify any agency or person to which DOJ provided notice of the non-approval that the non-approval was based on incorrect information and that it has been reversed. Require DOJ to promulgate rules providing for the correction of such inaccurate information.

Conference Committee/Legislature: Delete the Senate and Assembly provisions and, therefore, maintain current law.

12. CRIME LABORATORY EQUIPMENT

PR	\$290,000
----	-----------

Governor/Legislature: Provide \$200,000 in 2001-02 and \$90,000 in 2002-03 to replace obsolete equipment, resolve outstanding year 2000 information technology issues and to purchase new technology for the three state crime laboratories. Program revenue would come from the existing \$5 crime laboratories and drug law enforcement assessment and the existing \$250 DNA surcharge.

13. ENHANCED USE OF DNA EVIDENCE

Funding Positions		
PR	\$201,800	2.00

Governor/Legislature: Provide \$93,300 in 2001-02 and \$108,500 in 2002-03 and 2.0 forensic scientist positions to conduct DNA profile searches and analyze cold cases. One forensic scientist position would be located at the State Crime Laboratory in Milwaukee and the other forensic scientist position would be located at the State Crime Laboratory in Madison. Rename the drug law enforcement and crime laboratories appropriation the drug law enforcement, crime laboratories, and genetic evidence activities appropriation. Provide that a portion of the moneys from this appropriation be transferred to a newly-created appropriation under the District Attorneys for DNA evidence activities. Program revenue is provided from a portion of the existing \$5 crime lab and drug law enforcement assessment and the \$250 DNA surcharge.

[Act 16 Section: 770]

14. REIMBURSEMENT FOR COUNTY VICTIM AND WITNESS ASSISTANCE PROGRAMS

PR

\$650,000

Governor/Legislature: Provide \$215,000 in 2001-02 and \$435,000 in 2002-03 for reimbursement to counties for their victim and witness assistance programs. Under current law, counties with victim and witness assistance programs may be reimbursed for up to 90 percent of their program costs. Adjusted base funding totals \$5,232,500 from four funding sources: (a) \$1,497,100 GPR; (b) \$2,111,600 PR from "part A" of the crime victim and witness assistance surcharge and from the delinquency victim and witness surcharge; (c) \$850,800 PR from the federal Byrne anti-drug grant funds administered by OJA; and (d) \$773,000 PR from penalty assessment surcharge revenues administered by OJA. Actual reimbursements to individual counties depend on the amount of allowable costs incurred and the amount of funds available for reimbursement of these county costs. In 1999-00, counties were reimbursed for 69.2% of their costs. Program revenue would come from "part A" of the crime victim and witness assistance surcharge and the delinquency victim and witness surcharge revenues. If a court imposes a sentence or places a person on probation, the court also imposes the crime victim and witness assistance surcharge (\$50 for each misdemeanor offense and \$70 for each felony offense). The initial \$30 of the surcharge for a misdemeanor and \$50 for a felony is termed "part A".

15. RESTITUTION APPROPRIATION [LFB Paper 562]

Governor: Convert the legal services' restitution appropriation from a continuing to an annual appropriation and amend the appropriation to provide that all moneys received by DOJ to provide restitution to victims under a court order or settlement agreement be credited to the appropriation. Under current law, only moneys received by DOJ to provide restitution to victims when ordered by a court as the result of prosecutions of medical assistance fraud, marketing and trade practices violations, violations of environmental laws and violations under federal antitrust law are required to be deposited to the appropriation. As a continuing appropriation, DOJ has the authority to expend all monies received to make court-ordered restitution payments for the above violations. For other restitution payments received by the Department, DOJ deposits the money to a holding account from which it distributes the funds as provided in the court order or settlement agreement, including distribution of restitution funds that are not made to specific victims. There is no funding in the appropriation under the bill. With the change to an annual appropriation, therefore, before DOJ could distribute a restitution payment received under a court order or settlement agreement, DOJ would need to request and receive increased expenditure authority from DOA and the Joint Committee on Finance under a s. 16.515 action.

Joint Finance/Legislature: Delete provision. In addition, require DOJ to semi-annually submit a report to the Department of Administration and the Joint Committee on Finance regarding money received by DOJ under a court order or a settlement agreement for providing restitution to victims. Provide that the report specify: (a) the amount of restitution received by

DOJ during the reporting period; (b) the persons to whom DOJ paid restitution and the amount paid to each recipient during the reporting period; and (c) DOJ's methodology for selecting recipients and determining the amount paid to each recipient.

[Act 16 Section: 2856d]

16. MODIFICATIONS TO APPROPRIATIONS

Governor/Legislature: Make the following changes to DOJ appropriations: (a) rename the law enforcement services' interagency and intra-agency assistance; investigations appropriation the interagency and intra-agency assistance appropriation and broaden the allowable receipt of funds to the appropriation from moneys received for anti-drug abuse law enforcement assistance and drug investigations and analysis to moneys received for law enforcement assistance; and (b) amend the victims and witnesses' interagency and intra-agency assistance; reimbursement to counties appropriation to delete the requirement that funding for services relating to victims and witnesses be provided only to state agencies.

[Act 16 Sections: 769 and 774]

17. GPR-EARNED REESTIMATE [LFB Paper 564]

GPR-REV	\$1,115,200
---------	-------------

Joint Finance/Legislature: Reestimate the revenues to be received by DOJ and deposited to the general fund by \$557,600 annually. Based on actual 1999-00 and estimated 2000-01 GPR-Earned revenues for the Department and a DOA-directed change in the accounting of bond counsel reimbursement, it is estimated that the GPR-Earned revenues for DOJ will be \$1,402,800 annually.

18. FEDERAL FUNDING REESTIMATE [LFB Paper 563]

FED	\$1,447,700
-----	-------------

Joint Finance/Legislature: Provide \$799,600 in 2001-02 and \$648,100 in 2002-03 to the federal aid, state operations appropriation under the law enforcement services program to reflect anticipated grants from the federal Drug Enforcement Administration and the federal Office of National Drug Control Policy.

19. SPECIAL COUNSEL [LFB Paper 565]

GPR	- \$500,000
-----	-------------

Joint Finance/Legislature: Reestimate the sum sufficient special counsel appropriation by -\$250,000 annually to reflect estimated expenditures of \$850,000 annually. The special counsel appropriation pays for the costs associated with special counsel appointed by the Governor to: (a) assist the Attorney General in any action or proceeding; (b) act instead of the Attorney General in any action or proceeding, if the Attorney General is in any way interested adversely

to the state; (c) defend any action instituted by the Attorney General against any officer of the state; (d) institute and prosecute an action or proceeding which the Attorney General deems it the duty of the Attorney General to defend rather than prosecute; and (e) defend national guard members for acts performed while in the performance of military duty. Adjusted base funding for special prosecution costs is \$1,100,000 GPR.

20. AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORKSTATION GRANT PROGRAM [LFB Paper 191]

	Jt. Finance /Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
PR	\$219,000	- \$219,000	\$0

Joint Finance/Legislature: Provide \$219,000 in 2001-02 in penalty assessment revenues to create a grant program in DOJ to fund the purchase by local law enforcement agencies of automated fingerprint identification system (AFIS) workstations. Direct DOJ to create criteria and procedures for use in administering the AFIS grant program. Provide that grant funds may only be used by local law enforcement agencies to purchase AFIS workstations and to cover the initial costs of installing a Badgernet line for the workstation. Require local law enforcement agencies to enter into agreements with DOJ which would define the duties and obligations of both DOJ and the local law enforcement agencies regarding the use of AFIS workstations and local access to the state AFIS and criminal records databases. Create a program revenue appropriation in DOJ to receive the funds and specify that the appropriation's funds be used for the AFIS workstation grant program.

Veto by Governor [D-20]: Delete provision.

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.455(2)(kh)), 770n, 770p, 855n, 855p, 9131 and 9431(1c)]

21. HOTLINE FOR REPORTING DANGEROUS WEAPONS IN SCHOOLS

GPR	\$100,000
-----	-----------

Assembly: Require DOJ to maintain a toll-free telephone number for persons to provide information anonymously regarding dangerous weapons in public schools. Require DOJ to use the same toll-free telephone number for this purpose that it currently uses for: (a) persons to anonymously provide tips regarding suspected controlled substances violations; and (b) pharmacists to report suspected controlled substances violations.

Provide that if a call concerning dangerous weapons in public schools is made after normal retail business hours, as determined by departmental rule, DOJ must provide for the call to be received by a telephone answering system or service. Require the telephone answering system or service to provide a message that requests the person calling to call "911" or a local

law enforcement agency, if the person is calling to provide information regarding dangerous weapons in a public school.

Immediately upon receiving any information regarding dangerous weapons in a public school, or immediately at the beginning of the next retail business day if the information is not received during normal retail business hours, require DOJ to provide the information to the: (a) administration of the relevant public school; and (b) the appropriate law enforcement agency for the municipality in which the public school is located.

Provide that these changes would first take effect on the first day of the fourth month after publication of the bill.

Conference Committee/Legislature: Modify the Assembly provision to provide \$50,000 annually to DOJ for: (a) purchasing public information and promotion services regarding the hotline; and (b) requiring that after-hours calls to the hotline be answered by a person, not an answering machine.

[Act 16 Sections: 2857g thru 2857n and 9431(2p)]

22. REDUCE STATE PAYMENT OF UNCLAIMED WINNINGS BY RACETRACKS

GPR	\$9,200
PR	- 9,200
Total	\$0

Senate: Provide \$18,400 GPR in 2002-03 for gaming-related law enforcement activities in DOJ as part of a provision to allow Wisconsin racetrack licensees to retain unclaimed winnings currently paid to the state, effective July 1, 2002. Under the provision, GPR funding would be provided to reflect the resulting estimated 2002-03 decrease in program revenue.

Conference Committee/Legislature: Provide \$9,200 GPR and delete \$9,200 PR in 2002-03 for gaming-related law enforcement activities in DOJ as part of a provision to allow Wisconsin racetrack licensees to retain 50% of unclaimed winnings currently paid to the state, effective July 1, 2002. The provision would first apply to prizes that are unclaimed on the 90th day after the effective date. Under the provision, GPR funding would be provided and PR funding would be reduced to reflect the resulting estimated 2002-03 decrease in program revenue.

[See Administration--Division of Gaming for more information.]

23. ALZHEIMER'S DISEASE RECOGNITION AND SAFE-RETURN PROGRAM

Senate: Provide \$30,000 GPR annually to a newly-created appropriation in DOJ for publicity activities for a program administered by a nongovernmental entity that registers persons with Alzheimer's disease or other related dementias in a national database and

provides the persons identification bracelets which facilitate their safe return to caregivers if they become lost or wander.

In addition, require the 400 hours of initial law enforcement training to include at least one hour of instruction on recognizing the symptoms of Alzheimer's disease or other related dementias and interacting with and assisting persons who have Alzheimer's disease or other related dementias. Require that at least one hour of the four required hours of annual recertification training for law enforcement officers include the Alzheimer's disease or other related dementias training outlined above. Define "Alzheimer's disease" for purposes of the law enforcement training requirements to mean a degenerative disease of the central nervous system characterized especially by premature senile mental deterioration, and also includes any other irreversible deterioration of intellectual faculties with concomitant emotional disturbance resulting from organic brain disorder.

Conference Committee/Legislature: Modify the provision to provide the Department of Health and Family Services, rather than DOJ, with funding for publicity activities.

Veto by Governor [D-19]: Delete the requirement that at least one hour of the four-hour annual law enforcement recertification training include Alzheimer's disease or other related dementias training.

[Act 16 Sections: 2858L thru 2858n]

[Act 16 Vetoed Section: 2858p]

24. LAW ENFORCEMENT TRAINING ON DOMESTIC ABUSE

Assembly/Legislature: Expand the current law requirement that the preparatory program of law enforcement training include an adequate amount of training to enable officers to deal effectively with domestic abuse incidents, to include training that addresses the emotional and psychological effect that domestic abuse has on victims.

[Act 16 Section: 2858n]

25. COLLECTION OF DATA CONCERNING MOTOR VEHICLE CONTACTS

Senate: Require law enforcement agencies to obtain the following information with respect to each motor vehicle contact made on or after January 1, 2002, by a law enforcement officer employed by the agency and to forward the information to DOJ: (a) the reason for the motor vehicle contact; (b) the age, gender, and race or ethnicity of the operator of the motor vehicle; (c) the number of persons in the motor vehicle; (d) whether a search was conducted of the motor vehicle, its operator, or any passenger, and for each search conducted: (1) whether the search was based on probable cause or reasonable suspicion to believe that an offense had been, was being, or was about to be committed, or whether the search was based on the consent of the

person searched or, for a motor vehicle search, on the consent of the operator or other authorized person; (2) if the search was of a passenger, the age, gender, and race or ethnicity of the passenger; and (3) what, if anything, was seized as a result of the search; (e) whether any person who was asked to consent to a search of the motor vehicle or of his or her person refused to consent; (f) whether the motor vehicle contact or a search conducted during the contact resulted in the operator or any passenger being given a written or verbal warning of, or a citation for, a violation of any law or ordinance and, if so, a listing of each warning or citation given and the alleged violation for which the warning or citation was given; (g) whether the motor vehicle contact or a search conducted during the contact resulted in the arrest of the operator or any passenger and, if so, a listing of each arrest made and the reason for the arrest; (h) the location of the motor vehicle contact, including the street address, if any; and (i) the date, time, and duration of the motor vehicle contact.

Define "motor vehicle contact" to mean any of the following: (a) the provision of assistance to the operator of, or the passengers in, a motor vehicle that is already stopped in any public or private place; (b) contact with an operator of, or passengers in, a motor vehicle involved in a traffic accident; or (c) the stop or detention of a motor vehicle that is traveling in any public or private place, or the detention of an occupied motor vehicle that is already stopped in any public or private place, for the purpose of investigating any alleged or suspected violation of a state or federal law or city, village, town, or county ordinance.

Require DOJ to compile and analyze the information, along with any other relevant information, to determine, both for the state as a whole and for each individual law enforcement agency, all of the following: (a) whether the number of motor vehicle contacts and searches involving motor vehicles operated or occupied by members of a racial or ethnic minority compared to the number of motor vehicle contacts and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial or ethnic minority is disproportionate based on an estimate of the population and characteristics of all persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate; and (b) whether any disproportion found is the result of racial or ethnic profiling, racial or ethnic stereotyping, or other race-based or ethnicity-based discrimination or selective enforcement.

Annually on or before March 31 of each year, beginning March 31, 2003, require DOJ to submit a report to the Legislature, the Governor and to the Director of State Courts summarizing the information submitted to it by law enforcement agencies and require the report to describe the methods and conclusions of its analysis. Require DOJ to annually forward this information to the Department of Transportation (DOT) and require DOT to annually analyze the forwarded information concerning motor vehicle contacts made during the previous year by law enforcement agencies to determine, along with any other relevant information, all of the following: (a) the effects, if any, of motor vehicle contacts on state and local traffic enforcement; (b) whether certain motor vehicle driving patterns and driver behavior

have contributed to the frequency of motor vehicle accidents, injuries and death; (c) specific enforcement strategies that may promote highway safety, including the selection of specified areas for increased traffic law enforcement; and (d) other activities that may promote highway safety, such as highway redesigning, increased signage and modification of any existing speed limits. Require DOT to prepare an annual report that summarizes the Department's analysis and that describes the methods and conclusions of the analysis. Require DOT, on or before June 30, 2003, and on or before each June 30 thereafter, to submit the annual report to the Legislature, Governor and the Director of State Courts.

Require law enforcement training to include training designed to prevent the use of race or ethnicity, racial or ethnic profiling, racial or ethnic stereotyping, or other race-based or ethnicity-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races or ethnic backgrounds. Finally, require DOJ to promulgate rules to carry out its responsibilities, including specifying the type of assistance that constitutes a motor vehicle contact, prescribing a form for use in obtaining information, and establishing a schedule for forwarding information to the Department.

Conference Committee/Legislature: Delete provision.

26. OFFICE OF PUBLIC INTERVENOR

Senate: Provide \$241,400 GPR and 2.0 GPR assistant attorneys general annually to create an Office of Public Intervenor in DOJ. Require the Attorney General (AG) to designate an assistant attorney general as public intervenor. Provide that the public intervenor may, on his or her own initiative or upon the request of any committee of the Legislature, formally intervene in the following proceedings whenever such intervention is needed for the protection of public rights in water and other natural resources, as provided in the navigable waters chapters of the statutes and as defined by the Supreme Court: (a) navigable waters, harbors and navigation; (b) regulation of dams and bridges affecting navigable waters; (c) water and sewage (except servicing septic tanks, soil absorption fields, holding tanks, grease traps and privies); (d) pollution discharge elimination; (e) air pollution; (f) solid waste facilities; (g) hazardous waste management; (h) remedial actions; (i) metallic mining; (j) nonmetallic mining reclamation; oil and gas; and (k) general environmental provisions.

Require the agency head responsible for the above proceedings to give written notices of these proceedings to the public intervenor, to the natural areas preservation council and to agency division administrators primarily assigned the departmental functions under the following chapters: (a) wild animals and plants; (b) water and sewage; (c) air pollution; (d) solid waste facilities; (e) hazardous waste management; (f) remedial action; (g) metallic mining; (h) nonmetallic mining reclamation; oil and gas; and (i) general environmental provisions. Require the public intervenor to formally intervene in the above proceedings when requested to do so by one of these agency division administrators.

Provide that the public intervenor formally intervene by filing a statement to that effect with the examiner or other person immediately in charge of the proceeding. Upon that filing, provide that the public intervenor be considered a party to the proceeding with full power to present evidence, subpoena and cross-examine witnesses, submit proof, file briefs or do any other acts appropriate for a party to the proceedings.

In carrying out his or her duty to protect public rights in water and other natural resources, authorize the public intervenor to initiate actions and proceedings before any agency or court in order to raise issues, including issues concerning constitutionality, present evidence and testimony, and make arguments.

Require Department of Natural Resources (DNR) personnel, upon the request of the public intervenor, to investigate, study and report on items requested by the public intervenor in connection with intervention proceedings, either before or after the intervenor's formal intervention. Require personnel of state agencies, at the public intervenor's request, to provide information, serve as witnesses in intervention proceedings and otherwise cooperate in the carrying out of the public intervenor's functions.

Authorize the public intervenor to appeal administrative rulings to the courts. In all administrative and judicial review proceedings, require the public intervenor to be identified as "public intervenor". Do not preclude any division of DNR, as well as any other department or independent agency, from appearing by its staff as a party in any proceeding intervened in by the public intervenor. Prohibit the public intervenor from initiating any action or proceeding concerning the issuance of obligations by the Building Commission. For purposes of recovering costs from a state agency in any action by a state agency or in certain proceedings for judicial review of administrative decisions, do not include the public intervenor as a state agency from which such costs would be recoverable.

Require the AG to appoint a public intervenor advisory committee, consisting of seven to nine members with backgrounds in or demonstrated experience in, or records relating to, environmental protection or natural resource conservation. Require at least one of the members to have working knowledge in business and at least one of the members to have working knowledge in agriculture. Require the public intervenor advisory committee to: (a) advise the public intervenor on the intervenor's duty to protect public rights in water and other natural resources; (b) conduct open meetings; and (c) permit public participation and public comment on public intervenor activities.

Conference Committee/Legislature: Delete provision.

27. STATE EMPLOYMENT OF LEGAL COUNSEL

Assembly: Provide that no state agency in the executive branch could employ legal counsel except by contract and provide that all contracts for legal services entered into by the Governor for employment of special counsel or entered into by any state agency in the

executive branch, must be awarded only by solicitation of bids under the Department of Administration's statutory bid process.

Prohibit the Governor from entering into a contract for the provision of legal services under which the state is obligated or reasonably anticipated to be obligated to pay more than \$1,000,000, unless the Governor first files the proposed contract with the Chief Clerk of each house of the Legislature and complies with the procedure described below. Provide that if the Governor does not receive a report from a legislative committee recommending changes to a proposed contract within 60 days of the date on which the proposed contract was filed with each house of the Legislature, the Governor could enter into the contract as proposed.

Provide that if the Governor receives a timely report from a legislative committee concerning a proposed legal services contract, the Governor must review the report and, if the Governor determines to make any changes to the proposed contract that is the subject of the report, file a revised copy of the proposed contract with the Chief Clerk of each house of the Legislature.

Provide that if the Governor does not make all of the changes to a proposed legal services contract recommended by a legislative committee, the Governor must submit a report to the Chairperson or Co-Chairpersons of the committee that recommended the changes with an explanation of the reasons why all of the proposed changes were not made. Provide that if the Governor submits such a report to the Chairperson or Co-Chairpersons of the legislative committee, the Governor must not enter into the proposed legal services contract until at least 45 days after submittal of the Governor's report.

Provide that every legal services contract entered into by the Governor or a state agency in the executive branch which provides for counsel to be retained on a contingent fee basis must contain a provision requiring the counsel to submit a statement of the number of hours worked under the contract, the expenses incurred in relation to the contract and the net charge per hour under the contract, computed on the basis of the total charges, less expenses, divided by the number of hours worked. Provide that the Governor or agency head must not: (a) authorize payment to be made under the contract until the statement is submitted; (b) enter into any contract that requires the state to pay for legal services at a rate that exceeds \$1,000 per hour; and (c) authorize any payment to be made exceeding the rate of \$1,000 per hour. Provide that if a contract provides for a contingent or fixed fee, the hourly charge must be computed in the manner specified above.

Provide that if the legal services to be performed by any person for a state agency in the executive branch will or reasonably may be anticipated to exceed \$1,000,000, the employment must be by contract, which must be signed by the Governor. Provide that prior to approving any such contract for the provision of legal services, the Governor must file the proposed contract with the Chief Clerk of each house of the Legislature. Such contracts would be subject to the same procedures outlined for other legal services contracts of \$1,000,000 or more identified above.

Upon the filing of a proposed legal services contract for a \$1,000,000 or more proposed to be entered into by the Governor or a state agency in the executive branch, require the Chief Clerk of the legislative house to whom it is referred to refer the proposed contract to the presiding officer of that house, who must promptly refer any proposed contract to the appropriate standing committee of the given legislative house. Provide that within 30 days after such a referral, a committee to which a proposed legal services contract is referred may hold a public hearing concerning the proposed contract and issue a report to the Governor recommending changes to the proposed contract.

Provide that these changes would first apply to contracts for the employment of counsel entered into on the effective date of the bill.

Conference Committee/Legislature: Delete provision.

28. CHILDHOOD SEXUAL ABUSE TREATMENT AND PREVENTION GRANT PROGRAM

Senate: Require DOJ to administer a childhood sexual abuse treatment and prevention grant program under which DOJ would award grants to nonprofit organizations and public agencies to provide services to victims of childhood sexual abuse and for the prevention of childhood sexual abuse. Require DOJ to establish eligibility criteria to be used in deciding whether to award such grants. Define "sexual abuse" as a violation of the sexual assault, prostitution, sexual assault of a child, engaging in repeated acts of sexual assault of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, sexual intercourse with a child age 16 or older, or exposing genitals or pubic area statutory provisions, or a violation of any other state or federal law that would be violation of the above referenced statutory provisions if committed in this state. Define "victim of childhood sexual abuse" as an individual who has been sexually abused and who, at the time that the sexual abuse occurred, was a minor.

Provide that such grants be funded with at least 1% of the moneys received by the state each fiscal year under the federal temporary assistance for needy families block grant (TANF) program. Provide that no grant could be awarded unless DOJ first certifies that the grant would be used for services and programs that may be funded with moneys received under the federal TANF program. Create an appropriation under DOJ to receive the federal TANF funds, transferred from the Department of Workforce Development. Provide that these provisions take effect on July 1, 2003.

Conference Committee/Legislature: Delete provision.

29. PROSECUTION DIRECTIVE TO THE ATTORNEY GENERAL

Assembly: Direct the Attorney General to vigorously prosecute and pursue the repayment of a loan for a trade mission to Africa made from the minority business development finance and education and training grants program.

Conference Committee/Legislature: Delete provision.